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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fifth and sixth periodic reports of Bolivia

Addendum

Information provided by Bolivia in follow-up to the concluding observations*

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Addendum note: The present document is being distributed in Spanish, French and English only.

* The present report is being issued without formal editing.

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1. The Committee on the Elimination of Discrimination against Women presented its concluding observations on the combined fifth and sixth periodic reports of the Plurinational State of Bolivia on 28 July 2015. In that document, the Committee requested the State party to provide, within two years, detailed information on the steps taken to implement the recommendations contained in paragraphs 19 (a) and (e) and 29 (b) and (c).

2. In fulfilment of its obligations to the Committee, the Government of the Plurinational State of Bolivia wishes to report the following:

3. Article 110 of the Constitution of the Plurinational State of Bolivia provides for "equivalent conditions for men and women"; article 15 stipulates that "everyone, in particular women, has the right to be free from physical, sexual or psychological violence, both in the family and in society"; and article 26 provides that political participation "shall be equitable, with equal conditions for men and women". The Constitution of the Plurinational State of Bolivia guarantees the exercise of the rights of women and has the objective of reducing the inequality, exclusion and discrimination that prevailed throughout our history as a republic.

4. The civil, political, economic, social and cultural rights of women are specifically recognized both in the Constitution and in the laws and public policies of the country.

5. On 8 March 2017, with the aim of making further progress in the eradication of violence against women, the Government of the Plurinational State of Bolivia adopted Supreme Decree No. 3106, which established the Inter-institutional Commission composed of seven ministries: Justice and Institutional Transparency, Education, Health, Communications, the Interior, Culture and Tourism, and Labour, Employment and Social Security, with a mandate to implement a comprehensive public policy for a decent life for Bolivian women.

6. The Inter-institutional Commission is chaired by the Supreme Executive Authority of the Ministry of Justice and Institutional Transparency as the leading entity in the formulation of policies and standards for the prevention, punishment and elimination of all forms of gender-based violence.

7. The Commission has fulfilled its mandate and developed public policy as a reference for the implementation of comprehensive actions to maximize results and create conditions and opportunities for the full exercise of the right of women to a life free of violence, within the context of Act No. 348 adopted in March 2013, entitled "Act guaranteeing women a life free of violence".

8. The comprehensive public policy for a decent life for Bolivian women includes legislative provisions drawn from the Constitution of the State; specific laws; international commitments such as the Sustainable Development Goals and the implementation of national legislation; the comprehensive planning system of the State; the Patriotic Agenda 2025, the Economic and Social Development Plan 2016–2020; sectoral plans; the multisectoral plan to dismantle patriarchy and promote the right of women to live well; and the comprehensive public policy paper entitled "Dignified lives, women free of violence", which was prepared in December 2013.

9. It also includes the results of a 2016 survey on the prevalence and characteristics of violence against women, which provides important inputs from the voices of women and enables a focus on the various types of violence to which women are subjected.

10. With those elements, the comprehensive public policy paper on dignified lives for Bolivian women is structured as follows:

- The first chapter, on a comprehensive public policy based on mandates, presents a concise overview of current relevant legislation, as well as international commitments and commitments made by women's movements, thus making it possible to identify the mandates that confer legality and legitimacy.

- The second chapter, on political and conceptual approaches, sets forth three levels on which the policy is designed and implemented. The first level comprises a political approach based on "living well", which makes it possible to define acts of violence as instances of a power imbalance; the second level is where a relationship with a rights-based approach is established, since violence against women is a direct violation of human rights; and the third level is the managerial level where the challenge is to institutionalize efficient inter-institutional governance. This chapter makes it possible to pinpoint the perspectives and understandings underlying the actions and the ways they relate to society.

- The third chapter, entitled "Taking Stock: Starting Point", provides information on violence against women and draws on official sources, namely, the results of a survey of the prevalence and characteristics of violence against women conducted in 2016 by the Ministry of Justice and Institutional Transparency and the National Statistical Institute, the 2012 census and other sources providing specific services and studies. Furthermore, this chapter provides information on existing services and the development of protocols for action, the use of the central register of violence, information management and institutional mechanisms. It then identifies the main challenges to be addressed.

- The fourth chapter, entitled "Strategic Framework", identifies the road map defined by the mandates with a view to making further progress in the eradication of violence against women in its various forms, with a focus on building a culture of non-violence against women and the provision of comprehensive high-quality services for women subjected to violence.

- The fifth chapter, entitled "2022 Action Plan", provides the road map, goals, strategies and actions to be implemented up to 2022. It is based on a matrix approach that incorporates action areas, competencies and the types of violence that women face.

11. As the leading agency in the field of women's human rights and the eradication of all forms of gender-based and generational violence, the Ministry of Justice and Institutional Transparency has established a sectoral and intersectoral council for a life free of violence. The Council met for the first time on 5 March 2015 and has met twice a year ever since, bringing together representatives of all State entities, departmental governments and municipal governments of the capital cities.

12. The fifth meeting of the Council, held in July 2017, adopted a multisectoral plan for dismantling of patriarchy and promoting the right of women to live well, which incorporates the foundations of the earlier 2008 national plan for equal opportunities, entitled Women Building a New Bolivia for Living Well, and is in line with the new planning guidelines contained in Act No. 777 (2016) on the comprehensive State planning system. It is based on the multisectoral and cross-cutting coordination of the Ministry of Justice and Institutional Transparency with the other ministries that have concurrent activities for dismantling patriarchy and promoting the right of women to live well.

13. The plan proposes six main areas of action for dismantling patriarchy and contributing to the national economic and social development plan:

(1) The economy, production and employment: strategies are proposed in order to promote the exercise of women's labour rights; guarantee their access to decent work and the means of production, natural resources and basic services (assets that are both tangible, as with land, housing and capital, and intangible, as with technology and training); and redistribute tasks for the care and democratization of the family.

(2) Education: this includes strategies to increase opportunities for access to the formal education system by girls, female adolescents and young women; reduce their drop-out rate; mainstream the dismantling of patriarchy into the education revolution; create opportunities for training and professionalizing women in all areas; and increase the presence of women in higher education.

(3) Health care: action should be taken to towards extending health service coverage to women in the context of the unified, intercultural and community health care system, and promoting the exercise of the sexual and reproductive rights of women as part of the full recognition of the cultural and ethnic diversity of the country.

(4) Gender-based violence: in the light of Act No. 348, interministerial and intersectoral strategies are proposed with a view to eradicating gender-based violence and punishing discriminatory practices, exclusion and subordination through institutional mechanisms and legislative instruments. This section also includes a number of actions aimed at institutionalizing the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence.

(5) Political participation: this area includes actions to create the conditions to reduce barriers to women's participation in decision-making, in accordance with the principles of equality, parity and the dismantling of patriarchy, as set out in the relevant legislation.

(6) Institution-building: a number of strategies and actions are proposed for the institutional strengthening of public bodies responsible for dismantling patriarchy and designing and implementing the above-mentioned strategies, both in the central Government and in autonomous territorial entities.

14. The "Genoveva Ríos" Special Police Force to Combat Gender-based Violence, established by the General Command of the Bolivian police in April 2013, reports that since December 2014 it has had a protocol for dealing with cases under Act No. 348, and is currently in the process of implementing a georeferenced computer system for dealing with complaints and following up on cases, which will allow victims to be located and cared for more efficiently.

15. It currently has free helplines: 800140348 for the receipt of complaints of gender-based violence and 800140349 for consultation, guidance and information.

16. The staff of the Special Police Force is made up mostly of policewomen who receive ongoing training on techniques for conducting investigations and interviews and handling victims of sexual violence, on the provisions of Act No. 348, and other related issues. In turn, the staff of the Special Police Force run campaigns on the prevention of gender-based violence in schools, neighbourhood councils and local gatherings.

17. The Special Police Force is part of the sectoral and intersectoral council for a life free of violence. During the fifth meeting, which was held in July 2017, members reached a consensus that the Special Police Force had two major

challenges: to strengthen its institutional presence by decreasing staff turnover, and extend the coverage of its offices to all the country's municipalities (339 municipalities in all).

18. With regard to the Committee's recommendation on providing age-appropriate education on sexual and reproductive health in schools, it should be noted that article 66 of the Constitution of the Bolivian State guarantees women and men the exercise of their sexual rights and their reproductive rights.

19. In this legislative framework, the Ministry of Education, acting through the Deputy Minister for Regular Education and the General Directorate for Secondary Education, provided the following information:

School year	*Ages*	*Area of knowledge: World views, philosophy and psychology*
Second year	13–14 years of age	Sexual culture: Sex, sexuality and sexual relations
		– Concept of sexuality and its presence in the main cultures of Bolivia
		– Difference between sex, sexuality and sexual relations or intercourse
		– Responsibility of fathers and mothers in sexual relations among adolescents
		– Sexually transmitted infections and how they are dealt with in major Bolivian cultures
		– How does philosophy approach issues of sexuality in Bolivian society and culture?
		– Comprehensive adolescent health
		– Individual, family and community health care
		– Reproduction, growth and development
		– Sexuality, consequences and high-risk behaviour
		– Consequences of the use of alcohol, tobacco and other drugs
Fifth year	15–16 years of age	Continuity of life: Reproduction and development
		Types of reproduction in living beings
		– Sex cells and gametogenesis
		– Anatomy and physiology of the male and female reproductive organs
		– Fertilization and pregnancy
		– Embryonic and fetal development
		– Care, diet and nutrition of pregnant women and nursing mothers
		– Child development
		– Comprehensive and community sexual and reproductive health
		– Gender equity and equality in responsible sexuality

School year	*Ages*	*Area of knowledge: World views, philosophy and psychology*
		– Birth control: natural, hormonal, barrier and permanent contraceptive methods – Prevention of teenage pregnancy – Abortion: biological, psychological, social, cultural and ethical aspects – Sexually transmitted diseases, AIDS and HIV

20. The Ministry of Health, in coordination with the National Institute of Statistics, has published the results of the most recent demographic and health survey (2016), which includes a chapter on the knowledge and use of contraceptive methods. Among the main findings is the fact that 95.7 per cent of women between 15 and 49 years of age know one or more methods for preventing unwanted pregnancies. However, 53.7 per cent of these women do not use any. When disaggregated by age, the statistics show that the segment that uses contraceptive methods the most is that of women aged 35 to 39 years, of whom 64.6 per cent use some method, with 21 per cent using traditional methods and 43.6 per cent modern ones; the figures are similar for other age segments.

21. In addition, a comparison between the 2016 results and those of the previous demographic and health survey of 2008 revealed that there was a slight decrease in the percentage of women who are not using any method (down from 58.6 per cent in 2008 to 53.7 per cent in 2016), and also a slight decrease in the number of those who choose traditional methods (from 17.4 per cent to 14 per cent)

22. The Ministry of Health reported that male and female condoms, intrauterine devices, implants, contraceptive pills and the morning after pill are distributed free of charge in all public health facilities. The current challenge is to continue the campaigns to raise awareness of the use of contraceptive methods.

23. With regard to the legal provisions on abortion, section 266 of the Criminal Code establishes three grounds for the decriminalization of abortion:

> When abortion has been the result of rape, abduction not followed by marriage, statutory rape or incest, no punishment shall be applied, provided that a criminal prosecution has been initiated. Similarly, no punishment shall be applied if the abortion was performed to avoid endangering the mother's life or health and if this danger could not be avoided by other means. In both cases, the abortion must be performed by a doctor, with the consent of the woman and with judicial authorization, where applicable.

24. A significant amendment was made to this section in 2014. Plurinational Constitutional Court ruling No. 0206/2014 of 5 February 2014 stipulates as follows:

> The procedure relating to the mandatory and binding implementation of section 266 of the Criminal Code (as amended) provides that, for the purposes of the applicability and effectiveness of this legislative provision, and in accordance with the supreme law, the provision in question shall be interpreted in the sense that there shall be no requirement for the filing of a lawsuit, or the existence of a formal accusation and indictment, let alone a ruling. It shall be sufficient for a woman to go to a public or private health centre in order to have an abortion if the pregnancy is the result of the commission of a crime, and to inform the competent public authority of her situation so that the

medical professional will have sufficient evidence to justify performing the abortion.

This will prevent any delay in judicial proceedings from jeopardizing the protection of the rights of the pregnant woman to her freedom or dignity and avoid belated or unnecessary proceedings.

25. Moreover, since February 2017, the Plurinational Legislative Assembly has been debating draft law No. 122/2017-2018 on the Criminal Code. The draft law includes the redesign of judicial institutions on the basis of the outcome of the 2016 national plural justice summit and addresses, inter alia, considerations regarding the expansion of grounds for decriminalized abortion.

26. Once the work of the Plurinational Legislative Assembly has been finalized and the new Criminal Code has been adopted in all relevant bodies, the outcome will be included in the next report to the Committee.

27. Lastly, it should be noted that Bolivian Women's Day has been marked every 11 October since 1980 in memory of the poet Adela Zamudio (1854–1928), who is considered the first Bolivian feminist to denounce the lack of equal rights. That occasion highlights the role of women in the country's development and the importance of continuing to strengthen the fight against all forms of discrimination against women.

28. The Plurinational State of Bolivia will continue to fulfil its international commitments by reporting to the Committee when required to do so in accordance with the principles of the United Nations Convention on the Elimination of All Forms of Discrimination against Women.